

First Named Inventor: Zine-Eddine Boutaghou

Application No.: 09/884,796

-5-

REMARKS

This Amendment is submitted in response to the Office Action dated August 20, 2003. At this time, Applicants request withdrawal of the finality of the Office Action dated June 18, 2003. Despite the pending final Office Action, the latest Office Action indicates that restriction for examination purposes is proper between Invention I, defined by claims 1-8 and 15-26 and Invention II, defined by claims 9-14. The claims of Invention I are drawn to an air bearing slider and the claims of Invention II are drawn to a method of manufacturing a slider body.

Withdrawal of the finality of the Office Action dated June 18, 2003 is proper. A restriction requirement "may be made at any time before final action in the case at the discretion of the examiner." MPEP §811, *citing* 37 CFR 1.142 (a).

Applicants provisionally elect Invention I, defined by claims 1-8 and 15-16 for examination with traverse. Independent method claim 9 has been amended so that claims 1 and 9 are no longer distinct. The limitations of "the composite wafer comprising a plurality of joined slider bodies," and "plurality of transducers, wherein at least one transducer resides on each of the slider bodies" have been moved from claim 9 to claim 11. The process of claim 9 cannot be used to make a product materially different from that claimed in claim 1. Furthermore, the product of claim 1 cannot be made by a process materially different from that claimed in claim 9. Because claims 1 and 9 are not patently distinct as amended, applicants respectfully request withdrawal of the restriction requirement.

Applicants traverse the restriction requirement because there is no "serious burden on the examiner" to support the requirement. MPEP §803. The subject matter of all of the claims of Invention I and Invention II have already been searched.

Applicants request withdrawal of the finality of the Office Action dated June 18, 2003. Applicants respectfully request entry of the amendments to claims 9 and 11, in which no new matter is added. Applicants respectfully request withdrawal of the restriction requirement and notice of the allowability of all pending claims 1-16.

First Named Inventor: Zine-Eddine Boutaghoul

Application No.: 09/884,796

-6-

CONCLUSION

Applicants respectfully submit that pending claims 1-16 are allowable and respectfully request notice to that effect. Applicants invite the Examiner to telephone the undersigned at (612) 337-9340 if a telephone conference may expedite the resolution of this case and facilitate the allowance of the pending claims.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,


KINNEY & LANGE, P.A.

**RECEIVED
CENTRAL FAX CENTER
SEP 10 2003**

Date:

September 9, 2003

By:


Jeffrey D. Shewchuk, Reg. No. 37,235
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

JDS:MDL:sas

OFFICIAL